



City of
West Linn
PLANNING MANAGER DECISION

DATE: November 17, 2020

FILE NO.: WAP-20-012

REQUEST: Request for a Water Resource Area permit (Alternate Review) to construct a new covered patio and an uncovered walkway at 1221 9th Street

PLANNER: Jennifer Arnold, Associate Planner

DSW Planning Manager

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GENERAL INFORMATION

APPLICANT/ OWNER:

Brian Wheeler
1221 9th Street
West Linn, OR 97068

CONSULTANT:

Evren NW
Tori Bennett
40 SE 24th Ave a
Portland, OR 97214

SITE LOCATION:

1221 9th Street

SITE SIZE:

17,459 sf

LEGAL

DESCRIPTION:

Assessor Map and Tax Lot – 3S 1E 02AB 08100

COMP PLAN

DESIGNATION:

Low Density Residential

ZONING:

R-10: Single-Family Residential Detached

APPROVAL

CRITERIA:

Community Development Code (CDC) Chapter 11, 32, and 99

120-DAY RULE:

The application was declared complete on September 9, 2020. The 120-day period ends December 24, 2020.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property, to all Neighborhood Associations, and posted on the City's website on September 17, 2020. A sign was placed on the property on September 29, 2020. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The subject property is located at 1221 9th Street with access via a shared private drive. The applicant proposes to remove a shed on the property, construct a covered patio and a walkway in the rear yard of the existing single-family home. The covered patio proposal contains a fireplace to replace the existing fireplace near the rear yard property line. The property is 89% encumbered by the Water Resource Area (WRA) from an adjacent property natural resource. There are wetlands located near the rear property line which are not proposed to be disturbed. The allowable maximum disturbed area (MDA) of the WRA is 5,000 square feet. The applicant is proposing a total MDA of 4,122 square feet which includes the proposed walkway, patio cover and existing development on the property. The applicant also proposes to mitigate with a 1:1 ratio on the subject property. Any temporary disturbed area will be mitigated and restored. In addition to the WRA encumbrance, this property has recorded conservation and open spaces easements established as part of a lot line adjustment approval in 2000 (LLA-00-10). The applicant does not propose any encroachment into the established easements.

Public comments: All comments received during the comment period are in Exhibit PD-2.

DECISION

The Planning Manager (designee) approves this application (WAP-20-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the project shall conform to the submitted plans and narrative submitted in Exhibit PD-1.
2. **Conservation Easement Mitigation.** The applicant shall update the proposed mitigation plan to include restoring the landscape on the south side of the existing driveway to comply with the limitations of the recorded open space and conservation easement (recording number 2001-044110) and mitigation requirements of CDC 32.090. (Staff Finding: 21)

The provisions of the Community Development Code Chapter 99 have been met.



Jennifer Arnold, Associate Planner

November 17, 2020

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 17 day of November, 2020.

Therefore, the 14-day appeal period ends at 5 p.m., on December 1, 2020

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
WAP-20-02**

CHAPTER 11: R-10 SINGLE-FAMILY RESIDENTIAL DETACHED

11.030 Permitted Uses

The following are uses permitted outright in this zoning district:

- 1. Single-family detached residential unit.*

(...)

Staff Finding 1: The applicant proposes to construct an accessory structure in the rear yard of the single-family home. The accessory structure is a new covered hardscape patio and uncovered concrete walkway. All hardscape materials are proposed to be water permeable pavers and run along the rear of the home and garage. The applicant does not propose any changes to the existing single-family home. The criteria are met.

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 3. The average minimum lot width shall be 50 feet.*
- 4. Repealed by Ord. 1622.*

Staff Finding 2: The applicant does not propose to change the lot size, width or length of the lot lines. This proposal for a new patio cover and walkway on an existing lot of record. The criteria are met.

- 5. Except as specified in CDC [25.070\(C\)\(1\)](#) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.**

Staff Finding 3: The applicant has not requested any reductions in setback requirements. The applicant has not proposed any projections to in the front yard, therefore there are no changes to the existing front yard requirements. The criteria are met.

- b. For an interior side yard, seven and one-half feet.*
- c. For a side yard abutting a street, 15 feet.*

Staff Finding 4: The applicant's proposal complies with the setback standards of the R-10 zone per the submitted site plan on Page 30 of the applicant's submittal. The criteria are met.

d. For a rear yard, 20 feet.

6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter [41](#) CDC shall apply.

Staff Finding 5: The applicant proposes to construct a covered patio and a walkway in the rear yard of an existing lot of record. The proposed patio cover complies with the rear yard setback standards of the R-10 zone per the site plan on page 30 of the applicant's submittal. The criteria are met.

7. The maximum lot coverage shall be 35 percent.

8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

Staff Finding 6: The applicant proposes to add 762 square feet of lot coverage to the subject property. The existing lot coverage is approximately 3,159 square feet which brings the total property lot coverage percentage to 22% (below the maximum of 35%). The property takes access from a private drive off of 9th Street (a public street). No proposed changes to the existing access. The criteria are met.

9. The maximum floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter [66](#) CDC.

10. The sidewall provisions of Chapter [43](#) CDC shall apply.

Staff Finding 7: The existing home was constructed in 2001 and there are no proposed changes to the home with this application. The criteria are met.

WATER RESOURCE AREA PROTECTION

32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)

Applications reviewed under the alternate review process shall meet the following approval criteria:

A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC [32.060\(D\)](#).

Staff Finding 8: The subject property is 89% encumbered by the water resource area (WRA) per the analysis found in Exhibit PD-1, section 2.0 of the applicant's submittal. The WRA will

deny the “reasonable use” of the property without hardship allowance. The proposal is for a new covered patio and walkway in the rear yard of the property and in the water resource area as allowed by hardship in CDC Table 32-1. The subject property is eligible for hardship allowance as it was created in 2001. The subject property meets minimum lot size and dimensional standards of the R-10 zone (see Staff Finding 2). The applicant does not propose to encroach into the conservation in the rear yard. The criteria are met.

- B. *If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:*
1. *The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant’s proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).*
 2. *The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.*
 - a. *Removal of invasive vegetation.*
 - b. *Planting native, non-invasive plants (at minimum, consistent with CDC [32.100](#)) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC [32.090\(C\)](#).*
 - c. *Providing permanent improvements to the site hydrology that would improve water resource functions.*
 - d. *Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.*

Staff Finding 9: The subject property is significantly encumbered by the water resource area. The subject property is 17,458.85 square feet in area and of that area only 1,977 square feet is outside of the WRA (11%). The applicant is proposing a total MDA of 4,122 square feet which includes the proposed walkway and patio cover. The applicant has requested a reduction in the WRA buffer in exchange for mitigation per section 3.0 of the applicant’s submittal. The applicant is proposing to mitigate onsite in two adjacent areas to the proposed improvements. One area is 488 square feet and the other is 314 square feet (total of 802 square feet). The applicant finds that the mitigation will improve the performance of functions within the WRA buffer even with the reduction. The applicant proposes to remove the invasive species, planting native plant life, improve the functions of the area for habitat and WRA functions. The criteria are met.

- C. *Identify and discuss site design and methods of development as they relate to WRA functions.*

Staff Finding 10: The applicant has proposed to create an upland buffer by planting native plants and removing invasive species. The applicant will also be replacing some areas of lawn with native plants, trees and shrubs. The applicant is also proposing to remove an old shed on the property in an effort to reduce the impact on the WRA with impervious surfaces. The criteria are met.

D. Address the approval criteria of CDC [32.060](#), with the exception of CDC [32.060\(D\)](#).

Staff Finding 11: See staff findings 12-18. The criteria are met.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

- 1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.*
- 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC [32.090](#) and [32.100](#), respectively.*

Staff Finding 12: The applicant has proposed two areas of mitigation adjacent to the proposed improvements but on the subject property. The proposed mitigation is at a 1:1 ratio. Current conditions include several native trees and typical residential lawn which has contributed to a degraded WRA function. The applicant's proposal will enhance the function of the vegetated buffer protecting the resource. The applicant proposes to remove the invasive species, planting native plant life, improve the functions of the area for habitat and WRA functions. The criteria are met.

A. Storm water and storm water facilities.

- 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:*

- a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or*
- b. Under CDC [32.070](#), the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.*
Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

Staff Finding 13: The applicant is proposing a total MDA of 4,122 square feet which includes the proposed walkway and patio cover. The MDA also includes the house/garage footprint, and driveway. The applicant's proposal will enhance the function of the vegetated buffer protecting the resource. The applicant finds that the mitigation will improve the performance of functions within the WRA buffer even with the reduction. The applicant proposes to remove the invasive species, planting native plant life, improve the functions of the area for habitat and WRA functions. The applicant proposes to use a rain garden to ensure any stormwater runoff from the new construction will not have any adverse impacts on the natural resource. The criteria are met.

1. *Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:*
 - a. *Accepted engineering practice requires it;*
 - b. *Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC [32.090](#);*
 - c. *There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and*
 - d. *There are no reasonable alternatives available*

A geotechnical report may be required to make the determination regarding slope stability.

Staff Finding 14: The applicant proposes to restore all Temporarily Disturbed Areas to pre-construction conditions and planted with native plants per section 3.2 (Planting Plan) of the applicant's submittal. All non-restored areas have been included in the proposed 4,122 square foot MDA. The applicant has also proposed a rain garden to mitigate any stormwater runoff from the impervious surfaces proposed. No detention facilities for stormwater are proposed with this application. The criteria are met.

3. *Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).*

Staff Finding 15: The applicant proposes to restore all Temporarily Disturbed Areas to pre-construction conditions and planted with native plants per section 3.2 (Planting Plan) of the applicant's submittal. All non-restored areas have been included in the proposed 4,122

square foot MDA. The applicant does not propose any changes to the existing roadway or driveways. No roadside stormwater conveyance swales are proposed. The criteria are met.

4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.

Staff Finding 16: Staff adopts applicant findings found in Exhibit PD-1, page 14 of the applicant's submittal. The applicant has proposed some permeable paving for the patio and other hardscape surfaces on the property. In addition to mitigating the WRA planting area, the applicant has proposed a rain garden to treat any stormwater runoff from the MDAs. The criteria are met.

5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.

Staff Finding 17: The applicant does not propose any public stormwater facilities requiring access and maintenance. The applicant does propose a rain garden for the new MDA square footage. The criteria are met.

6. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Staff Finding 18: The applicant is not requesting a variance. The criteria are not applicable.

32.090 MITIGATION PLAN

A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC [32.040](#) do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC [32.100](#), Re-Vegetation Plan Requirements.

Staff Finding 19: The applicant proposes to restore TDAs with native vegetation. The subject property is mostly encumbered by the WRA that has been assessed in the submitted Natural Resource Assessment performed by Evern Northwest and found in Exhibit PD-1. The

proposed re-vegetation plan can be found in Exhibit PD-1, section 3.0 of the applicant's submittal. The criteria are met.

B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):

- 1. On-site mitigation by restoring, creating or enhancing WRAs.*
- 2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and*
 - b. The mitigation will provide equal or superior ecological function and value.**
- 3. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and*
 - b. The mitigation will provide equal or superior ecological function and value.**
- 4. Purchasing mitigation credits through DSL or other acceptable mitigation bank.*

Staff Finding 20: The subject property is significantly encumbered by the WRA that has been assessed in the submitted Natural Resource Assessment performed by Evern Northwest and found in Exhibit PD-1. The applicant proposes on-site mitigation per section 3.0 of the applicant's submittal in Exhibit PD-1. The criteria are met.

C. Amount of mitigation.

- 1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.*
- 2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.*
- 3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.*

Staff Finding 21: The subject property is significantly encumbered by the water resource area. The subject property is 17,458.85 square feet in area and of that area only 1,977 square feet is outside of the WRA (11%). The applicant is proposing a total MDA of 4,122 square feet which includes the proposed walkway and patio cover. The applicant has requested a reduction in the WRA buffer in exchange for mitigation per section 3.0 of the applicant's submittal at a 1:1 mitigation. The applicant is proposing to mitigate onsite in two adjacent areas to the proposed improvements. One area is 488 square feet and the other is 314 square feet (total of 802 square feet).

The subject site has conservation and open spaces easements on the front and rear of the property. A vegetated buffer between the subject property and the wetlands to the south of the property has been removed. Per condition of approval 2, the applicant shall update the proposed vegetation mitigation plan to include restoration this area to comply with the easement (recording number 2001-044110) and requirements of CDC 32.090. Subject to the conditions of approval, the criteria are met.

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

- 1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*
- 2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.*
- 3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC [32.100](#).*
- 4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.*
- 5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety.*

Staff Finding 22: Staff adopts applicant findings found in Exhibit PD-1, page 16 of the applicant's submittal. The criteria are met.

32.100 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC [32.090](#) and vegetative enhancement of CDC [32.080](#), tree and vegetation plantings are required according to the following standards:

- 1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.*
- 2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*
- 3. Plant coverage.*
 - a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will*

be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

b. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

4. Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.

5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.

7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.

8. To enhance survival of tree replacement and plantings, the following practices are required:

a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

Staff Finding 23: Staff adopts applicant findings found in Exhibit PD-1, page 9 to 11 of the applicant's submittal. The criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT Arnold	PROJECT NO(S). WAP-20-02	PRE-APPLICATION NO. PA-20-03	
NON-REFUNDABLE FEE(S) \$2,600 + 250	REFUNDABLE DEPOSIT(S)	TOTAL	\$2,850.00

Type of Review (Please check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address:	Assessor's Map No.: 31E2AB
1221 9th Street	Tax Lot(s): 8100
West Linn, OR 97068	Total Land Area: 17,459 sq'

Brief Description of Proposal:

Present a mitigation plan to allow us to build a covered patio in our back yard.

Applicant Name: Brian Wheeler <small>(please print)</small>	Phone: 503.519.1601
Address: 1221 9th Street	Email: brianw@heinz-mech.com
City State Zip: West Linn, OR 97068	



Owner Name (required): Brian Wheeler <small>(please print)</small>	Phone: 503.519.1601
Address: 1221 9th Street	Email: brianw@heinz-mech.com
City State Zip: West Linn, OR 97068	

Consultant Name Evren NW, Tori Bennett <small>(please print)</small>	Phone: 503.452.5561
Address: 40 SE 24th Ave a	Email: torib@evren-nw.com
City State Zip: Portland, OR 97214	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**
One complete digital set of application materials must also be submitted electronically in PDF format.
If large sets of plans are required in application please submit one set.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Received July 27, 2020

	7/23/20		7/23/20
Applicant's signature	Date	Owner's signature (required)	Date



NATURAL RESOURCE ASSESSMENT



Wheeler Property

1221 9th Street
West Linn, Oregon

Prepared for:

Brian Wheeler
1221 9th Street
West Linn, Oregon 97068

Issued on:

August 26, 2020

Project No. 1458-20001-01

EVREN NORTHWEST, INC.
P.O. Box 14488, Portland, Oregon 97293
T. 503-452-5561 / E. ENW@EVREN-NW.com

This

Natural Resource Assessment

Report for:
1221 9th Street
West Linn, Oregon

Has been prepared for the sole benefit and use of our Client:

Brian Wheeler
1221 9th Street
West Linn, Oregon 97068

Issued August 26, 2020 by:



A handwritten signature in blue ink, appearing to read "Chealsey Rosebrook".

Chealsey Rosebrook
Environmental Scientist

A handwritten signature in blue ink, appearing to read "Heather Caporaso".

Heather Caporaso
Senior Environmental Scientist

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List of Tables, Figures, and Appendices

Tables

WITHIN TEXT (Labeled by Section-Number)

- 3-1 Upland Planting Details for North West WRA Mitigation (314 ft²)
- 3-2 Upland Planting Details for North East WRA Mitigation (448 ft²)

Figures

- 1 General Location and Topography
- 2 Tax Lot Map
- 3 Aerial Map
- 4 Existing Conditions
- 5 Required and Proposed Water Resource Areas
- 6 Proposed Water Resource Area Mitigation Planting Plan

Appendices

- A Site Photographs

List of Acronyms and Abbreviations

bgs	below ground surface
CDC	Community Development Code
Client	Brian Wheeler
ENW	EVREN Northwest, Inc.
Subject site	1221 9 th Street, West Linn, Oregon 97068
WRA	Water Resource Area

1.0 Introduction

On behalf of Brian Wheeler (Client), EVREN Northwest, Inc. (ENW) has prepared this report documenting a Natural Resource Assessment (NRA) of a Wetland and Water Resource Area extending onto 1221 9th Street, West Linn, Oregon 97068 (subject site; Figures 1, 2 and 3).

The subject site consists of one (1) tax lot located to the northeast of 9th Street, and south of 4th Avenue in West Linn, Oregon (Figure 2). The subject site is currently occupied by a 3,637 square foot single-family residence with landscaped and vegetated areas to the north and south. A more detailed description of the site development is presented in Section 2.1.

A proposed 762 square foot additional permanent disturbance area is being evaluated for the subject site. The development will include the demolition of the current concrete patio structure (250 square feet) and construction of two covered porches totaling 742 square feet, as well as an uncovered concrete walkway (270 square feet). The new porch will be constructed in the same location as the current patio, with an additional 13 feet extending north on the furthest west section with the rest of the porch remaining within 8 feet of the house continuing to the east corner (Figure 5). Vegetated and landscaped areas in the north portion of the site are proposed to remain as is and are not included in the proposed redevelopment areas.

1.1 Purpose

Since the subject property is within 65 feet of a wetland (defined as a Water Resource), further investigation of the site was required prior to the issuance of a reduction in the Water Resource Area (WRA) boundary by the City of West Linn in accordance with Section 32.070 Alternative Review Process of Chapter 32 Water Resource Area Protection of the Community Development Code (CDC). As such, the Client met with the city of West Linn for a pre-application conference prior to contacting ENW.

The proposed development will encroach closer to the WRA than the existing development on the property, however, the proposed development is not believed to deteriorate the functions of the current ecosystem. Although the proposed development will add more than 500 square feet of impervious surface, the location of the additional impervious surface area is in an area that is highly landscaped and vacant of native plants, resulting in insignificant ecological support.

1.2 Proposed Development Activity

The proposed project and current residence will comprise approximately 4,122 square feet of impervious surface. As the current residence comprises approximately 3,360 square feet of ground floor and patio space, this redevelopment will add approximately 762 square feet of impervious surface area to the subject site. The proposed development activity on the subject site involves demolition of the current 250 square foot patio in the central west area of the property and construction of a new larger porch, spanning a total of 1,012 square feet, with 762 square feet of new impacts. This porch will encroach further to the WRA than the existing patio and is located within the 65-foot boundary around the WRA. However, the area surrounding the WRA on this property and many other residences adjacent to this site have previously impacted the WRA due to past development. The current building and patio on site are

approximately 25 to 45 feet from the wetland and therefore were either approved for development in the area or built before the WRA guidance was enacted.

The WRA between the wetland and the residence contains maintained landscaping, including bark, grass and ornamental plants. Denying the reduction in WRA would restrict the landowners, while not necessarily supporting a higher quality WRA. The WRA reduction is proposed through 32.070 Alternative Review Process and will result in a WRA ranging between 12 and 40 feet wide depending on location. (See Figure 5 for a detailed diagram). In accordance with 32.080 Approval Criteria, although the proposed WRA will be smaller in size, it will continue to provide the same, if not better, support for a thriving ecosystem post mitigation. Currently, the majority of vegetation within the WRA is a grass lawn which limits species diversity and functional habitat within the WRA. See Section 2.2 for further information.

2.0 Site Description

The subject property is located at 1221 9th Street, West Linn, Oregon 97068 and is identified as Township 3 South, Range 1 East, Section 2, a portion of the NE 1/4, Tax Lot 8100 of the Willamette Meridian. It is zoned as part of Metro's Urban Growth Boundary and is generally level, ranging in elevation from between approximately 73 to 79 feet above mean sea level. The subject site measures approximately 0.40 acres and is currently occupied by a single-family residential structure and accessory structure (shed) near the northeast corner of the site. Remaining areas consist of landscaped and vegetated areas, with invasive shrub species near the northern and southern boundaries.

The site has an unnamed private drive traversing southeast-northwest through the southern portion of the tax lot which leads to the driveway and single-family residence located in the center of the tax lot. There is a fence separating the site from both the adjacent eastern and western single-family residences. Along the northern property boundary, a small stream traverses southeast-northwest and is surrounded by a wetland.

The subject site contains approximately 1,500 square feet of locally significant wetlands and the entire site was shown to be covered in the riparian corridor as mapped in West Linn's WRA Map (May 2014).

The subject site is situated on a southeast-facing slope approximately 1,000 feet northwest of the Willamette River. The parcel contains a stream along the northern boundary and mapped wetlands along both the northern and southern boundaries; at its closest proximity, the northern wetland area appeared to be encroaching onto the property by approximately 11 to 25 feet. The two closest structures to the wetland are the current patio (24 feet) and the accessory structure (16 feet). Vegetation of the subject site is characterized by a residential yard with lawn and trees (See Section 1.9 for more details).

2.1 Site Reconnaissance: Survey of On-Site Resources

A site reconnaissance was conducted on June 15, 2020 to document current site conditions. Onsite observations determined that vegetation consists mostly of landscaped grasses, common weeds, and ornamental plants bordering a highly degraded wetland along the northern property boundary with observed standing water up to 5 inches deep.

2.2 Extent and Condition of On-Site Vegetated Corridor

The slope adjacent to the edge of the wetlands on-site is less than 10%; therefore, according to Table 32-2 of Chapter 32 of the CDC Water Resource Area Protection the wetland has a vegetated corridor extending 65 feet from the mapped edge of the on-site wetland (Figure 4). However, due to the location of the current building and patio, the vegetated corridor presently only extends 25 to 50 feet.

The vegetated corridor (not including the wetland) of the subject site is characterized by a residential yard with lawn and trees including, western red cedar (*Thuja plicata*), vine maple (*Acer circinatum*), and flowering dogwood (*Cornus florida*). The lawn is a mix of Kentucky blue grass (*Poa pratensis*) and common weeds including white clover (*Trifolium repens*). The southern edge of the parcel borders a separate wetland that was not part of this study due to the distance and separation from the proposed porch of the current residential building and its associated landscaping.

Vegetation of the northern wetland mainly consisted of invasive species, including Himalayan blackberry (*Rubus armeniacus*) and reed canary grass (*Phalaris arundinacea*). Although there were fewer natives overall, several trees, shrubs and herbaceous species were identified, including black willow (*Salix nigra*), hazelnut sapling (*Corylus sp.*), nootka rose (*Rosa nutkana*), horsetail (*Equisetum arvense*), fireweed (*Chamaenerion angustifolium*), and red elderberry (*Sambucus racemosa*).

3.0 On-Site Mitigation

3.1 Preparation

The goal of the WRA project is to create an upland buffer with a plant community dominated by native plants. The mitigation will take place in two separate areas, one in the northeast corner of the WRA covering 448 square feet and a second area covering 314 square feet in the northwest corner of the site. The proposed WRA area is currently maintained as a grass lawn. The first step to preparing both areas will be to spray out the existing lawn within the proposed WRA alignment. A glyphosate-based herbicide will be applied to the lawn two times, at least two-weeks apart to ensure any regrowth of the grass or weeds is controlled. All herbicide applications will be implemented in accordance with product label guidelines. Spot spraying of invasive species including reed canary grass and Himalayan blackberry will also be conducted at least once to reduced invasion risk into the proposed WRA from the adjacent wetland. Should surface water or saturated soils be present in the wetlands backing the WRA, an aquatic-safe glyphosate-based (e.g. Rodeo) will be used to treat noxious weeds along the wetland edge.

Following the chemical treatments, the WRA enhancement areas will be prepared for planting. The lawn area subject to conversion to the WRA will be mowed short, as tight to the ground as possible. Following the mowing, the areas will be vigorously raked to remove as much of the lawn material as possible. The intent of the tight mowing and subsequent raking is to expose as much bare ground as possible to improve germination of the native seed application. Alternately, a sod cutter could be used to remove the lawn. Tree and shrub planting locations will then be laid out in the proposed WRA. Trees will be planted as individuals, spaced 10 feet on-center, while shrubs will be planted in clusters of 4 to 5 plants in a 4 foot on-center spacing. Planting wells capable of accepting 2-gallon size containers will be hand-dug or augured. The planting wells will receive a 50% amendment of an outdoor potting mix to increase fertility and moisture retention.

The north west mitigation area will hold 41 percent of the proposed plants while the north east mitigation area will hold 59 percent of the proposed plants, or as close to this as possible with the provided planting plan.

Responsible parties for onsite mitigation work and proposed development include, but are not limited to, Brian Wheeler, property owner and applicant.

3.2 Planting Plan

The planting scheme for the proposed WRA includes 8 trees and 40 shrubs, all of native origin. The selection of plants is based upon native species present in the vicinity and those species well-adapted to local conditions. Trees and shrubs selected are intended to provide structural cover as well as nectar for pollinators and fruit and mast for small wildlife. Planting will be conducted between October 15th and April 30th. If animal damage is expected, plantings will be protected by sleeves. Once the trees and shrubs are installed, the plantings will be surrounded by a conifer-based bark mulch (preferably hemlock); trees will receive a ring of mulch extending 2 feet from the stem, while shrubs will receive a ring of mulch extending 1 foot from the stem. The mulch will be applied 3 inches deep surrounding the plantings. About 15 cubic feet (8 trade-size bags) of bark mulch will be required to cover the planting areas. After the mulch application, 1 pound of a native upland seed mix will be broadcast to the balance of the WRA not covered by the mulch. The seed mix will consist exclusively of species native to the West Linn area and include grasses and wildflowers. The WRA planting plan is included in Tables 3-1 and 3-2. The WRA will be irrigated from June 15th to October 15th at a rate of 1 inch per week to reduced drought-related mortality. Periodic deep watering is recommended to achieve the weekly rate, as opposed to regular light watering. Deep watering encourages deep rooting and will reduce irrigation needs long-term for the WRA. Summer irrigation will continue for the three years following the planting.

Beyond irrigation maintenance of the WRA includes non-native plant control, reapplication of mulch and replacement of dead plants. Noxious weeds along the wetland/WRA margin will be controlled by spot application of herbicides. Mowing and removal of reed canary grass along the wetland edge is recommended to reduce seed drift into the WRA. Repeated mowing will also reduce the vigor of reed canary grass and invasive blackberries. Mulch surrounding tree and shrub plantings will be reapplied as needed to maintain 3-inch material depth. All dead trees will be replaced in-kind. Shrubs will be replaced in-kind as needed to maintain 80% survival (n=32).

There are several significant trees on the property including, three western red cedar (*Thuja plicata*), one vine maple (*Acer palmatum*), and one Pacific willow (*Salix lucida*). These, along with other native plants, will be worked around and will remain unharmed throughout the mitigation process. This will allow for the least impact on the soil, species, and habitat while also increasing plant diversity and ecosystem functions in the WRA.

Mitigation will occur to the density standards and requirements outlined in CDC 32.100. Mitigation will take place in the WRA on site using the 1:1 ratio (permanent disturbed area to mitigation area) described in CDC 32.909 C. A total of 762 square feet of the subject property will be mitigated in the highly degraded WRA area. See below for upland planting details within the mitigation area.

Table 3-1. Upland Planting Details for North West WRA Mitigation (314 ft²)

Species	Zone	Type	Spacing	Size Class	Quantity
Madrone (<i>Arbutus menziesii</i>)	Upland	Tree	10'	2 gallon	1
Garry oak (<i>Quercus garryana</i>)	Upland	Tree	10'	2 gallon	2
Tall Oregon-grape (<i>Mahonia aquifolium</i>)	Upland	Shrub	4'	2 gallon	4
Mock orange (<i>Philadelphus lewisii</i>)	Upland	Shrub	4'	2 gallon	4
Red-flowering currant (<i>Ribes sanguineum</i>)	Upland	Shrub	4'	2 gallon	4
Snowberry (<i>Symphoricarpos albus</i>)	Upland	Shrub	4'	1 gallon	4
Silver Falls Seed Company Upland Savannah Economy Mix*	Upland	Seed	Broadcast	n/a	1 pound

Table 3-2. Upland Planting Details for North East WRA Mitigation (448 ft²)

Species	Zone	Type	Spacing	Size Class	Quantity
Madrone (<i>Arbutus menziesii</i>)	Upland	Tree	10'	2 gallon	2
Garry oak (<i>Quercus garryana</i>)	Upland	Tree	10'	2 gallon	3
Tall Oregon-grape (<i>Mahonia aquifolium</i>)	Upland	Shrub	4'	2 gallon	6
Mock orange (<i>Philadelphus lewisii</i>)	Upland	Shrub	4'	2 gallon	6
Red-flowering currant (<i>Ribes sanguineum</i>)	Upland	Shrub	4'	2 gallon	6
Snowberry (<i>Symphoricarpos albus</i>)	Upland	Shrub	4'	1 gallon	6
Silver Falls Seed Company Upland Savannah Economy Mix*	Upland	Seed	Broadcast	n/a	1 pound

*Contents of seed mix: <https://silverfallsseed.com/product/upland-savannah-economy-mix/>

Container Total: 48

Seed Total: 1 Pound

3.3 Storm Water Discharge

Currently stormwater runs along this site following topographic contours into the WRA and stream, while the roof runoff flows into an existing storm pipe below grade. The construction of this covered patio will reduce the amount of water flow into the wetland and vegetated surrounding without implementing any mitigation.

To mitigate for the loss of water, ENW recommends the following treatment method for the stormwater runoff of the new/replacement of impervious surfaces:

- Use of a raingarden or multi-functional open drainage system in lieu of conventional gutter systems that lead to a storm pipe below grade, as well as the use of permeable paving of porch areas and/or pathways. These methods would help to increase diversity of native plants, while also filtering and allowing the water to enter back into the WRA and wetland systems.
- If the previous methods are not possible with the porch and landscaping layout, we recommend the use of a rain barrel to collect roof runoff that can then be used to water the lawn and other

landscaped features. While not as direct as a rain garden, this method will still allow the runoff rainwater to re-enter the surrounding ecosystem.

4.0 Narrative Responses

CDC Chapter 30.080 Approval Criteria (Alternative Review Process)

- A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D):**

The slope adjacent to the edge of the wetlands on-site is less than 10%; therefore, according to Table 32-2 of Chapter 32 of the CDC Water Resource Area Protection the wetland has a vegetated corridor extending 65 feet from the mapped edge of the on-site wetland (Figure 4). However, due to the location of the current building and patio, the vegetated corridor presently only extends 25 to 50 feet.

The vegetated corridor (not including the wetland) of the subject site is characterized by a residential yard with lawn and trees including, western red cedar (*Thuja plicata*), vine maple (*Acer circinatum*), and flowering dogwood (*Cornus florida*). The lawn is a mix of Kentucky blue grass (*Poa pratensis*) and common weeds including white clover (*Trifolium repens*).

Vegetation of the northern wetland mainly consisted of invasive species, including Himalayan blackberry (*Rubus armeniacus*) and reed canary grass (*Phalaris arundinacea*). Although there were fewer natives overall, several trees, shrubs and herbaceous species were identified, including black willow (*Salix nigra*), hazelnut sapling (*Corylus sp.*), nootka rose (*Rosa nutkana*), horsetail (*Equisetum arvense*), fireweed (*Chamaenerion angustifolium*), and red elderberry (*Sambucus racemosa*).

The current conditions of the WRA of the subject site is significantly degraded due to the residential yard with landscaped areas, as well as a dominant presence of invasive plants in the northern wetland. A reduced vegetated buffer is proposed, however, in exchange for mitigation measures which will enhance the WRA with native plant species and removal of invasive species such as reed canary grass along the wetland edge. See Section 3.2 for further information on planting plans.

- B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:**

- a. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions.**

The proposed WRA reduction and conjugate mitigation will result in better performance and function of the WRA due to the removal of invasive species along the northern wetland boundary and planting of native species, as well as improved stormwater functions on the subject site. The mitigation will cover a total of 762 square feet and take

place in two separate areas, one in the northeast corner of the WRA covering 448 square feet and an area in the northwest corner covering 314 square feet.

- b. **The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.**

i. **Removal of invasive vegetation.**

The proposed mitigation includes the removal of invasive reed canary grass which is significantly dominant along the wetland boundary, to limit further seeding and growth, especially in proposed mitigation areas.

- ii. **Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).**

The planting plan for the proposed WRA includes all native species including 8 trees and 40 shrubs. See Section 3.2 and Tables 3-1 and 3-2 for further information on planting details.

- iii. **Providing permanent improvements to the site hydrology that would improve water resource functions.**

Stormwater on site currently infiltrates the ground surface and flows along topographic contours of the property, releasing into the WRA and stream. Additionally, stormwater from roof runoff currently is directed into an existing subsurface storm pipe. To mitigate for the loss of water, which is expected to be encountered due to the proposed covered patio, use of a raingarden or multi-function open drainage system is proposed along with the installation of permeable paving of porch areas and/or pathways. These methods will assist in the filtration and direction of stormwater flow to the WRA and wetland system.

- iv. **Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.**

Mitigation on the subject site is expected to enhance the habitat of the WRA by planting native plant species which will improve erosion and pollution along with habitats for native wildlife.

C. **Identify and discuss site design and methods of development as they relate to WRA functions.**

Mitigation will occur to the density standards and requirements outlined in CDC 32.1000. Mitigation will take place in the WRA on site using the 1:1 ratio (permanent disturbed area to mitigation area) described in CDC 32.909 C. A total of 762 square feet of the subject property will be mitigated in the highly degraded WRA area, which encompasses two separate areas in the northeast and northwest corners of the WRA. See Tables 3-1 and 3-2 for planting plan details. The methods of development include the creation of an upland buffer with a plant community dominated by native plants. A glyphosate-based herbicide will be applied to the current landscaped lawn on site, along with spot spraying of invasive species. Planting preparation will

then ensue, which includes diminishing or removing the current lawn in mitigation areas. Trees and shrubs will be planted in accordance with on-center spacing recommendations along with the inclusion of an outdoor potting mix. See Section 3.0 for further details of mitigation design and methods.

D. Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D). *No application for development on property containing a WRA shall be approved unless the approval authority find that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:*

a. WRA protection/minimizing impacts:

Current conditions of the WRA consist of landscaping typical of residential use, which includes a lawn and several native trees, thus the WRA has already endured impacts which has resulted in a significantly degraded condition. Proposed development will include 1:1 mitigation of the WRA, which will enhance the function of the vegetated buffer.

b. Storm water and storm water facilities:

Stormwater on site currently infiltrates the ground surface and flows along topographic contours of the property, releasing into the WRA and stream. Additionally, stormwater from roof runoff currently is directed into an existing subsurface storm pipe. To mitigate for the loss of water, which is expected to be encountered due to the proposed covered patio, use of a raingarden or multi-function open drainage system is proposed along with the installation of permeable paving of porch areas and/or pathways. These methods will assist in the filtration and direction of stormwater flow to the WRA and wetland system. No roadways, rights-of-ways, or storm water detention and/or treatment facilities are proposed or currently located within the WRA of the proposed development.

c. Repealed by Ord. 1647.

d. Approval of criterion of CDC 32.060(D) is exempted under CDC 30.080 Approval Criteria.

e. Per the submittals required by CDC 32.050(F)(4), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type of intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

The project site is generally level and measures at less than a 10% slope. Development hazards relating to risk of landslides or property damage are not expected to occur under the proposed development.

f. Roads, driveways and utilities:

No new roads, driveways or utilities are included in the proposed development of the residential porch extension. No crossing of fish bearing streams or utilities spanning fish

bearing streams is included in the proposed development. No fill or excavation is proposed within the ordinary high-water mark of the wetland.

g. Passive recreation:

No paved or unpaved trails, footbridges or interpretive facilities are included in the proposed development.

h. Daylight piped streams:

No daylight piped or covered streams are located within the WRA on site or existing wetland.

i. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

- i. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.
- ii. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
- iii. Incorporate storm water management in road rights-of-way.
- iv. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and ground water recharge.
- v. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.
- vi. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
- vii. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
- viii. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain garden.
- ix. Use pervious paving materials for driveways, parking lots, sidewalks, patios and walkways.
- x. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.
- xi. Use shared driveways.
- xii. Reduce width of residential streets and driveways, especially at WRA crossings.
- xiii. Reduce street length, primarily in residential areas, by encouraging clustering.
- xiv. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.
- xv. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.
- xvi. Consider multi-story construction over a bigger footprint.

The proposed development on site includes the addition of a porch structure to the existing residence noted with landscaped areas. Mitigation will occur at a 1:1 ratio, resulting in 762 square feet of enhancements to the WRA which will include planting native species to assist with soil porosity and infiltration, along with a raingarden or multi-function open drainage system and permeable paving in order to improve current storm water systems. No streets, sidewalks, or driveways are present in the WRA project area. See Sections 3.2 and 3.3 for further information.

CDC Chapter 30.090 Mitigation Plan

See Section 3.0 which details the preparation and planning of the onsite mitigation of the WRA. Additionally, refer to Figure 6 for location of planned mitigation areas.

CDC Chapter 30.100 Re-Vegetation Plan Requirements

See Sections 3.1 and 3.2 which detail the re-vegetation preparation and planting plan of native species within the WRA. Additionally, refer to Tables 3-1 and 3-2 which detail the species to be planted for mitigation, along with the species' zone, type, space, size class and quantity.

CDC Chapter 30.110 Hardship Provisions

The purpose of this section is to ensure that compliance with this chapter does not deprive an owner of reasonable use of land. To avoid such instances, the requirements of this chapter may be reduced. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant "reasonable use" of his/her property.

Clackamas County Assessor's Office identified the construction date of the residence on the subject property as 2001. The total of impervious surfaces on the subject site include 3,360 square feet which include the ground floor square footage of the residence and existing patio space. The proposed porch will include an additional 762 square feet of impervious surface.

The vegetated corridor extends 65 feet from the mapped edge of the onsite wetland. However, due to the location of the current building and patio, the vegetated corridor presently only extends 25 to 50 feet. The total MDA of the site is 4,122 square feet of impervious surface, which includes the proposed porch addition of 762 square feet.

The proposed porch will encroach further to the WRA than the existing patio and is located within the 65-foot boundary around the WRA. However, the area surrounding the WRA on this property and many other residences adjacent to this site have previously impacted the WRA due to past development. The current building and patio on site are approximately 25 to 50 feet from the wetland and therefore were either approved for development in the area or built before the WRA guidance was enacted. The proposed porch will be further than 15 feet from the wetlands. Although the proposed WRA will be smaller in size, it will continue to provide the same, if not better, support for a thriving ecosystem post

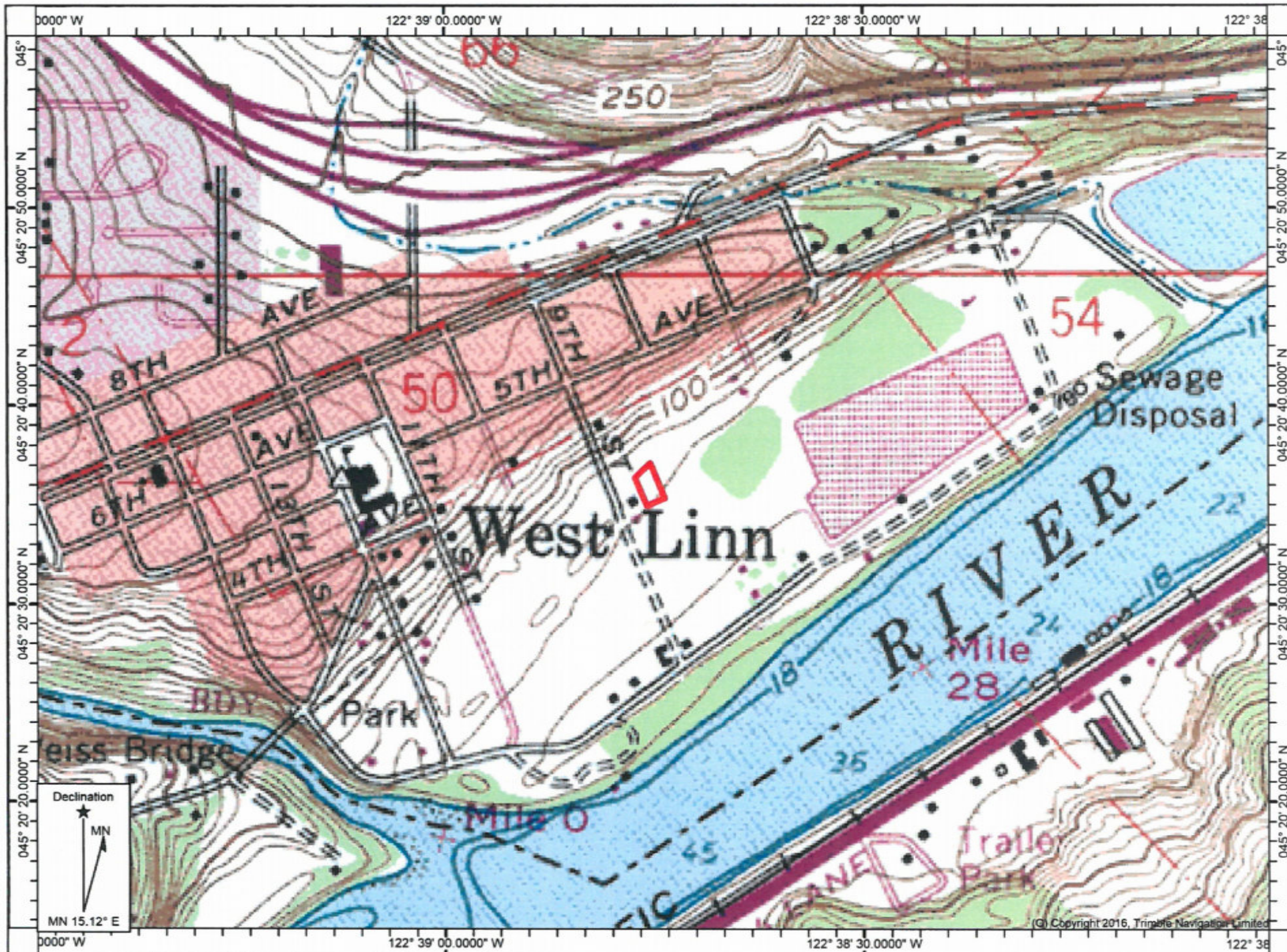
mitigation. Currently, the majority of vegetation within the WRA is a grass lawn which limits species diversity and functional habitat within the WRA. See Figure 4 for existing conditions at the subject site.

5.0 Limitations

The scope of this report is limited to observations made during on-site work; interviews with knowledgeable sources; and review of readily available published and unpublished reports and literature. As a result, these conclusions are based on information supplied by others as well as interpretations by qualified parties.

We have performed our services for this project in accordance with our agreement and understanding with the Client. This document and the information contained herein have been prepared solely for the use of the Client.

Figures



Name: CANBY
Date: Jan 1, 1985

Location: 045° 20' 36.1354" N, 122° 38' 45.1861" W
Contour Interval: 10 ft

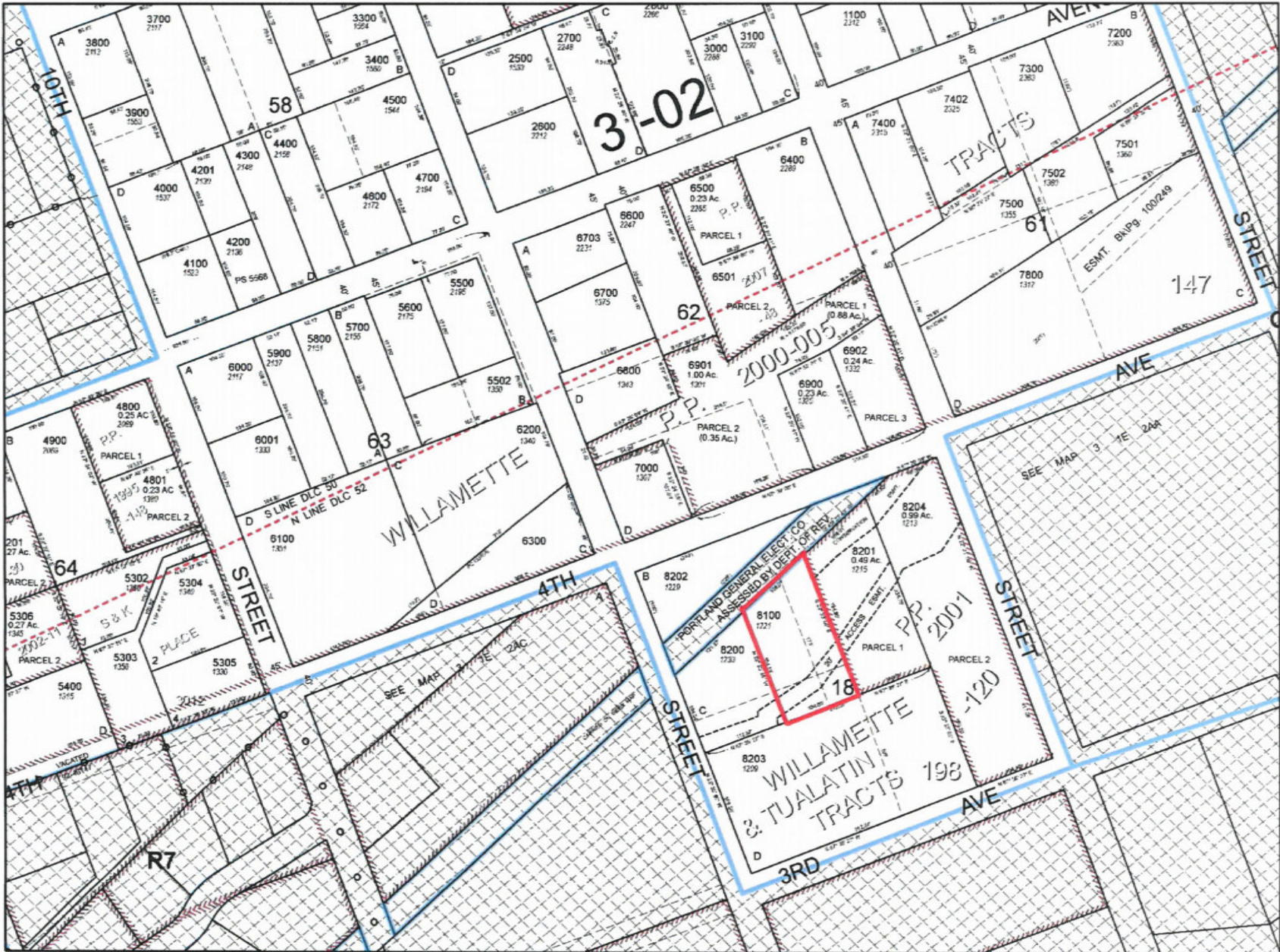


Date Drawn: 6/3/2020
CAD File Name:
1458-20001-01_fig1GeneralLocationandTopo
Drawn By: CLR
Approved By: LDG

Wheeler Property
1221 9th Street
West Linn, Oregon

General Location and Topography

Project No.
1458-20001
Figure No.
1




Date Drawn: 6/3/2020
 CAD File Name:
 1458-20001-01_fig2TaxlotMap
 Drawn By: CLR
 Approved By: LDG

Wheeler Property
 1221 9th Street
 West Linn, Oregon

Tax Lot Map







Project No.
 1458-20001
 Figure No.
 2



	Date Drawn: 6/3/2020 CAD File Name: 1458-20001-01_fig3AerialMap Drawn By: CLR Approved By: LDG	Wheeler Property 1221 9 th Street West Linn, Oregon	Aerial Map	Project No. 1458-20001
				Figure No. 3



LEGEND:

- | | | | |
|---|---|---|--------------------|
|  | EXISTING BUILDINGS |  | LOCATION OF STREAM |
|  | SUBJECT PROPERTY BOUNDARIES | | |
|  | EXISTING VEGETATED BUFFER (WATER RESOURCE AREA) | | |
|  | WETLAND AREA PER WEST LINN INVENTORY 2005 AND LANDSCAPED GRASS BOUNDARY | | |
|  | CONCRETE SURFACE | | |

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2019 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION.

APPROXIMATE SCALE










PO BOX 14488, PORTLAND, OREGON 97293
P: (503)452-5561, E: ENW@EVREN-NW.COM

FIGURE 4

EXISTING CONDITIONS
WHEELER PROPERTY
1221 9TH STREET
WEST LINN, OREGON



LEGEND:

- | | | | |
|---|---|---|--------------------|
|  | EXISTING BUILDINGS |  | LOCATION OF STREAM |
|  | SUBJECT PROPERTY BOUNDARIES |  | CONCRETE SURFACE |
|  | PROPOSED WATER RESOURCE AREA) | | |
|  | WETLAND AREA PER WEST LINN INVENTORY 2005 AND LANDSCAPED GRASS BOUNDARY | | |
|  | PROPOSED PERMANANT DISTURBANCE AREA (762 SQ FEET) | | |

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2019 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION.

APPROXIMATE SCALE




EVRENNORTHWEST
environmental natural resource consultants

PO BOX 14488, PORTLAND, OREGON 97293
P: (503)452-5561, E: ENW@EVREN-NW.COM

FIGURE 5
REQUIRED AND PROPOSED
WATER RESOURCE AREAS
WHEELER PROPERTY
1221 9TH STREET
WEST LINN, OREGON



Upland Planting Details for WRA Mitigation-1221 9th St Willamette (762 Sq Ft)					
Species	Zone	Type	Spacing	Size Class	Quantity
Madrone (<i>Arbutus menziesii</i>)	Upland	Tree	10'	2 gallon	3
Garry oak (<i>Quercus garryana</i>)	Upland	Tree	10'	2 gallon	5
Tall Oregon-grape (<i>Mahonia aquifolium</i>)	Upland	Shrub	4'	2 gallon	10
Mock orange (<i>Philadelphus lewisii</i>)	Upland	Shrub	4'	2 gallon	10
Red-flowering currant (<i>Ribes sanguineum</i>)	Upland	Shrub	4'	2 gallon	10
Snowberry (<i>Symphoricarpos albus</i>)	Upland	Shrub	4'	1 gallon	10
Silver Falls Seed Company Upland Savannah Economy Mix*	Upland	Seed	Broadcast	n/a	1 pound

LEGEND:

EXISTING BUILDINGS	STREAM
SUBJECT PROPERTY BOUNDARIES	APPROXIMATE MITIGATION AREA
PROPOSED WATER RESOURCE AREA	CONCRETE SURFACE
WETLAND AREA PER WEST LINN INVENTORY 2005 AND LANDSCAPED GRASS BOUNDARY	
PROPOSED PERMANENT DISTURBANCE AREA (762 SQ FEET)	

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2019 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.
3. SYMBOLS REPRESENT LOCATION AND DO NOT ALWAYS REPRESENT EXACT SHAPE, SIZE, OR ORIENTATION.

APPROXIMATE SCALE

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FIGURE 6
PROPOSED WATER RESOURCE AREA
MITIGATION PLANTING PLAN
WHEELER PROPERTY
1221 9TH STREET
WEST LINN, OREGON

Appendix A
Site Photographs



View facing east at the residence, shed and landscaped area on the subject site.




View facing north at the WRA from the landscaped area.



View facing west at the boundary of the Water Resource Area (WRA) and landscaped area on site.



Eastern boundary of the WRA noted with reed canary grass, Himalayan blackberry, horsetail and red elderberry, and possible willow saplings.

	<p>Wheeler Property 1221 9th Street West Linn, Oregon</p>	<p>Site Photographs</p>	<p>Project No. 1458-20001-01 Appendix A</p>
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Detailed view of eastern WRA noted with red elderberry, reed canary grass, Nootka rose and hazelnut saplings.




Groundcover of eastern WRA with horsetail.



View facing east at unidentified willow tree or tree cluster in eastern WRA.



View facing southwest at property boundary within the WRA noted with abundance of reed canary grass.

	Wheeler Property 1221 9 th Street West Linn, Oregon	Site Photographs	Project No. 1458-20001-01
			Appendix A



Standing water observed beneath reed canary grass towards southern boundary of the WRA on site.




Standing water observed beneath Nootka Rose and some unidentified vegetation in the eastern WRA area (near willow tree).

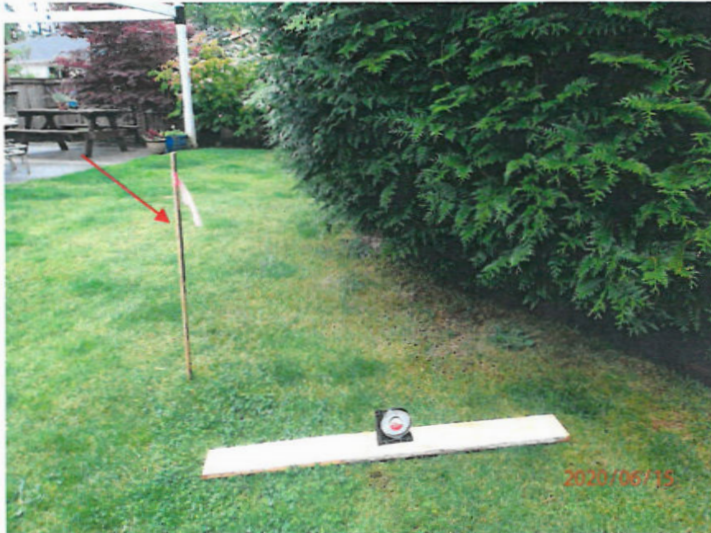


View facing northeast at WRA. Possible divot in vegetation, possibly indicating waterway or standing water area.



Measuring slope from WRA boundary to landscaped area and residence on site which was noted on average of less than 5% slope.

	<p>Wheeler Property 1221 9th Street West Linn, Oregon</p>	<p>Site Photographs</p>	Project No. 1458-20001-01
			Appendix A




Slope measurement on landscaped area near easement marker.



Three cedar trees were noted in the western landscaped area.



Westernmost area of WRA boundary, north of three cedars, noted with thick Himalayan blackberry and reed canary grass.

	<p>Wheeler Property 1221 9th Street West Linn, Oregon</p>	<p>Site Photographs</p>	Project No. 1458-20001-01
			Appendix A

PD-2 PUBLIC COMMENT

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WAP-20-02**

The West Linn Planning Manager is considering a request for a Water Resource Area permit to construct a new patio cover on Tax Lot 802 of Clackamas County Assessor Map 31E 02AC.

The decision will be based on the approval criteria in Chapters 11 and 32 of the Community Development Code (CDC). The CDC criteria are available for review at City Hall, at the City Library, and <http://www.westlinnoregon.gov/cdc>.

You have been notified of this proposal because County records indicate you own property within 500 feet of the subject property (Tax Lot 8100 of Clackamas County Assessor Map 31E 02AB) or as otherwise required by Chapter 99 of the CDC.

The complete application is posted on the City's website <https://westlinnoregon.gov/planning/1221-9th-st-water-resource-area-protection-permit>. Alternatively, the complete application is available for inspection at no cost at City Hall, or copies can be obtained for a minimal charge.

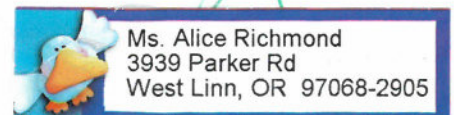
A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on October 8, 2020. Persons interested in party status should submit their letter and any concerns about the proposal by the comment deadline.** Written comments can be emailed to jarnold@westlinnoregon.gov or mailed to City Hall.

It is important to submit all testimony in response to this notice. All comments submitted for consideration of the application should relate specifically to the applicable criteria. Failure to raise an issue by written comment, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal or before the Land Use Board of Appeals.

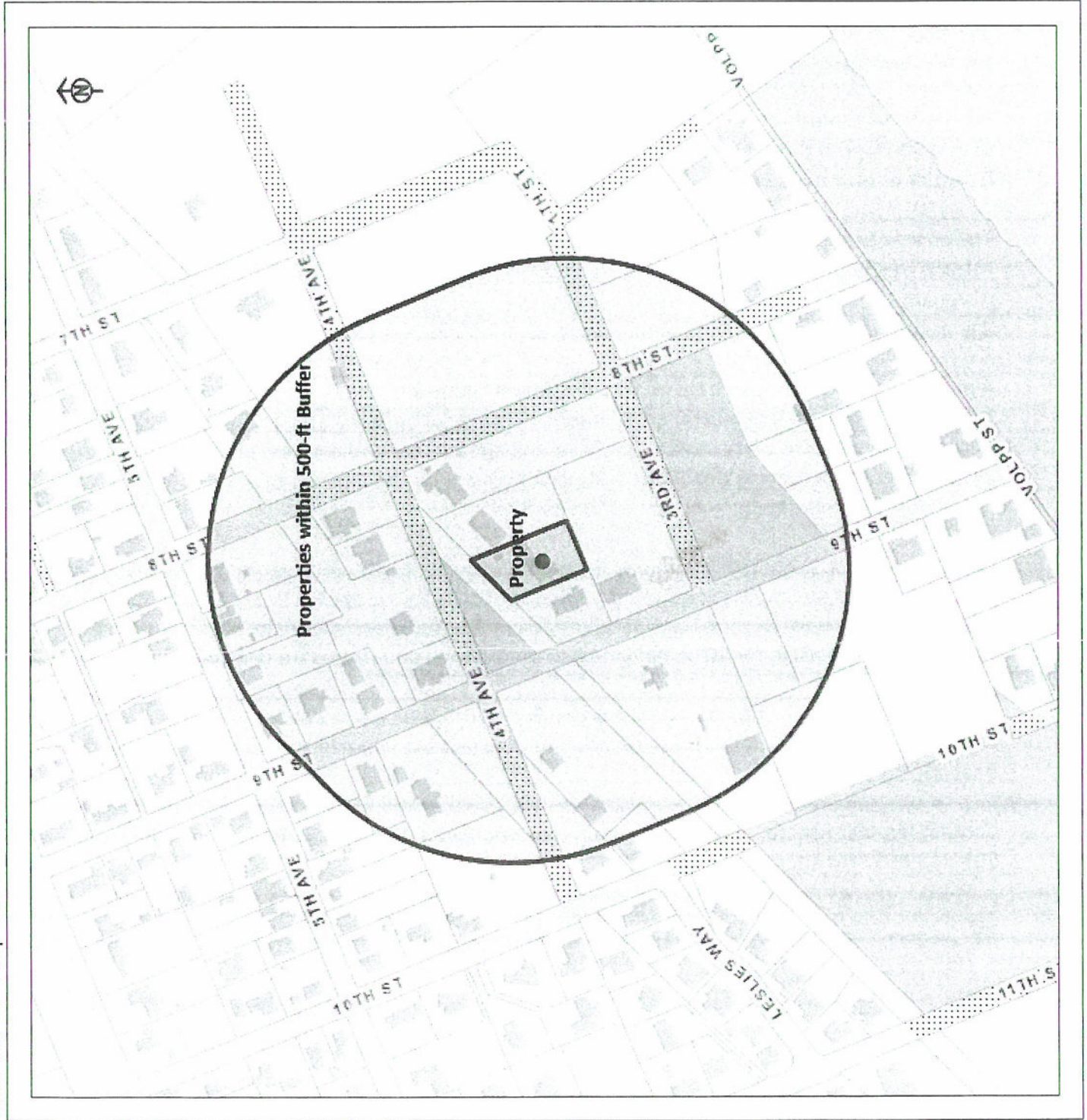
The final decision will be posted on the website. Persons with party status can appeal the decision by submitting an appeal application to the Planning Department within 14 days of the final decision date.

Contact Jennifer Arnold, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057 for additional information.

*You do not give an address!
it looks from the map a sizable lot.
not knowing the area, I trust
staff to do the right decision -
Thank you - Alice Richmond - PCNA pres.
3939 Parker Rd.*

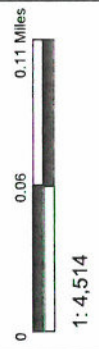


1221 9th St - Properties within 500 feet



Legend

- City Limit
- Unimproved ROW
- Parks and Open Space
- City Owned Property



Notes

This map was automatically generated using Geocortex Essentials.

From: [Greg Kantor](#)
To: [Arnold, Jennifer](#)
Subject: File No. WAP-20-02
Date: Tuesday, October 6, 2020 9:59:37 AM

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Jennifer,

I am writing in response to the notice of upcoming planning manager decision File No. WAP-20-02. I live next door to the residence in question, and **I fully support the proposed application and construction plan.** I have reviewed the plans, and it is my opinion that this will enhance the neighborhood and will not threaten any of the surrounding wetlands.

Furthermore, I want it to be known that a recent approval was granted further down 9th street to build a new home (WAP 20-01), which recently involved the removal of a significant number of tall and beautiful trees. This, in my opinion, should NEVER have been approved, as it DOES represent a threat to the neighborhood and the surrounding wetlands.

Based on the recent approval for a project that is harmful, I see absolutely no reason why the request for 1221 9th Street (which is modest and enhancing) could be denied. This would be extremely inconsistent from a land use perspective.

Feel free to contact me with any questions.

Best regards,

Greg Kantor
1215 9th Street
West Linn, OR 97068

PD-3 COMPLETENESS LETTER



CITY OF
West Linn

September 9, 2020

Brian Wheeler
1221 9th Street
West Linn, OR 97068

SUBJECT: WAP-20-02 application for Water Resource Area Permit at 1221 9th Street

Dear Mr. Wheeler:

You submitted this application on July 27, 2020. The Planning and Engineering Departments found that this application was incomplete on August 17, 2020. All required information was subsequently provided on August 26, 2020 and the application has now been deemed **complete**. The City has 120 days to exhaust all local review; that period ends December 24, 2020.

Please be aware that determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Jennifer Arnold
Associate Planner

PD-4 AFFIDAVIT AND NOTICE



CITY OF West Linn

AFFIDAVIT OF NOTICE Type A

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **WAP-20-02**

Applicant's Name: **Brian Wheeler**

Development Name: **1221 9th Street**

Scheduled Decision Date: **Planning Manager Decision on October 9, 2020**

MAILED NOTICE

Notices were mailed at least 20 days prior to the decision date per Section 99.080 of the Community Development Code to:

1	Brian Wheeler, Applicant	9/17/20	<i>Lynn Schroder</i>
2	Evren NW	9/17/20	<i>Lynn Schroder</i>
3	Division of State Lands	9/17/20	<i>Lynn Schroder</i>
4	US Army Corps of Engineers	9/17/20	<i>Lynn Schroder</i>
6	Property Owners within 500 feet	9/17/20	<i>Lynn Schroder</i>
7	All Neighborhood Associations	9/17/20	<i>Lynn Schroder</i>
8	COWL Engineering	9/17/20	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 10 days prior to the decision date.

9/16/20 | *Lynn Schroder* _____

SIGN

At least 10 days prior to the decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

9/29/20 | *Janis Auld* _____

STAFF REPORT mailed to applicant and any other applicable parties 10 days prior to the decision date.

11/17/20 ~~9/25/20~~ | **Signature***** | *Janis Auld* _____

FINAL DECISION notice mailed to applicant and all other parties with standing.

date*** | **Signature***** _____

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WAP-20-02**

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You have been notified of this proposal because County records indicate you own property within 500 feet of the subject property (Tax Lot 8100 of Clackamas County Assessor Map 31E 02AB) or as otherwise required by Chapter 99 of the CDC.

The complete application is posted on the City's website <https://westlinnoregon.gov/planning/1221-9th-st-water-resource-area-protection-permit>. Alternatively, the complete application is available for inspection at no cost at City Hall, or copies can be obtained for a minimal charge.

A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on October 8, 2020. Persons interested in party status should submit their letter and any concerns about the proposal by the comment deadline.** Written comments can be emailed to jarnold@westlinnoregon.gov or mailed to City Hall.

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1221 9th St - Properties within 500 feet



Legend

- City Limit
- ⋯ Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



**NOTICE OF UPCOMING
CITY COUNCIL DECISION**

**PROJECT # WAP-20-02
MAIL: 09/17/20 TIDINGS: no**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.